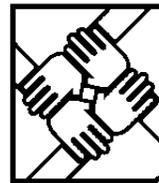




Barbados Football Association Club Licensing Regulations - 2015



Preamble

- The following are regulations of the Barbados Football Association, hereinafter referred to as BFA, which reflect the principles of the FIFA and CONCACAF Club Licensing Regulations.
- The BFA recognizes the everyday effort club stakeholders, especially their owners and administrators, make in order for our footballers, professional and amateur, youth and senior, female and male, to have an opportunity to play football, beach soccer and futsal. These efforts also contribute to bringing the beautiful game to fans at the stadiums, on their television screens and on the radio so that football may be enjoyed by all.
- The Club Licensing Regulations have been designed as a development tool for all football clubs in Barbados. The criteria outlined in these regulations have been carefully selected to serve as guidelines for clubs looking to increase their professionalism.
- The current version of the Barbados Football Association Club Licensing Regulations was adopted by the Executive Committee on September 14, 2015.

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Section I: Introduction

Article 1: Goals of the Club Licensing Project

The overall aim of Club Licensing is to raise the level of club football. With this in mind, four main goals have been developed:

1. Understand and safeguard club football;
2. Raise the level of professionalism in club football administration;
3. Identify and share best practices of our clubs and leagues;
4. Formalize requirements for participation in domestic and regional club competitions.

Article 2: The Two Levels of Criteria

The criteria described in the BFA Club Licensing Regulations are divided into two separate categories and have been defined as follows:

Domestic Criteria: the fundamental items and procedures that the following categories of clubs need to meet in order to participate in domestic club competitions of the BFA as of the 2016 season:

- a) all premier league, first, second and third division men's football clubs;
- b) all women's football clubs;
- c) all men's beach soccer clubs.

Regional Criteria: the items and procedures that every club who has qualified by sporting merit to a CONCACAF club competition needs to meet in order to participate.

Article 3: Scope of Application

1. These regulations apply to the following categories of clubs which participate in domestic leagues at the BFA, as well as those clubs aiming to participate in CONCACAF club competitions:

- a) all premier league, first, second and third division men's football clubs;
- b) all women's football clubs;
- c) all men's beach soccer clubs.

2. These regulations govern the rights, duties and responsibilities of all parties involved in the BFA Club Licensing system and define in particular:

- a) the minimum requirements to be fulfilled by the BFA in order to act as the licensor for our clubs;
- b) the license applicant (club) and the license required to enter the domestic club competitions and CONCACAF club competitions;
- c) the minimum infrastructure, sporting, administration, financial, legal and social responsibility criteria to be fulfilled by a club in order to be granted a license by the BFA as part of the admission procedure to enter the domestic or CONCACAF club competition.

Section II: BFA Club Licensing System

Article 4: Exception Policy

The CONCACAF Administration may grant exceptions to the provisions set out in these regulations.

Article 5: BFA Responsibilities

The BFA is the licensor of the Club Licensing system and is therefore in charge of implementing the Club Licensing system at the national level. For the implementation of the national Club Licensing system, the BFA will:

- a) Include a provision regarding Club Licensing in the Statutes. As an alternative, the Club Licensing system may also be based on a binding agreement between the club and the BFA or between the club and the affiliated league to which the Club Licensing system has been delegated;
- b) Appoint a Club Licensing Manager;
- c) Adapt the CONCACAF Club Licensing Regulations to national Club Licensing Regulations to be recognized by CONCACAF;
- d) Appoint or elect the Decision Making Bodies;
- e) Establish a Catalogue of Sanctions as outlined in Article 14.

Article 6: The BFA's Club Licensing Administration

Upon completion of the tasks outlined in Article 5, the BFA's established Club Licensing Administration, under the guidance of the Club Licensing Manager, will:

- a) Finalize the Club Licensing Support Manual;
- b) Determine deadlines for documentation to be presented by the club to the BFA Club Licensing Manager;
- c) Send invitation letters to all local clubs to apply for a national license;
- d) Review documentation submitted by clubs;
- e) Visit each club during the licensing process;
- f) Base the license decision-making process on a two-instance approach (i.e. first instance and appeal instance);
- g) Inform CONCACAF of all license decisions (approvals and denials).

Article 7: The Football Club

1. The football club is defined as being the legal entity fully responsible for a football team which participates in national and international club competitions and is a member of or is affiliated to the BFA.
2. The status of a football club (professional, semi-professional or amateur) is not relevant to the issue of a license.
3. The legal form or structure of a football club is not relevant to the issue of a license.
4. Only a registered member or an affiliate of the BFA may apply for a license. Natural persons may not apply for a license.

5. The club is fully responsible for participation in national and international football competitions as well as the fulfillment of the Club Licensing criteria within the deadlines established by CONCACAF and the BFA.

Article 8: The License

1. Licenses will be issued by the BFA according to the provisions of these recognized Club Licensing Regulations.

2. The BFA will issue a written invitation to the football clubs to apply for a license. The club applying for a license must submit a written application to the BFA. In this application, the club must, in particular, declare that it shall fulfill the obligations of the licensing system.

3. Only clubs which fulfill the criteria established in these recognized Club Licensing Regulations by the relevant deadline will receive a license.

4. The BFA must indicate the license expiration date.

5. A license may be withdrawn by the Club Licensing decision-making bodies during a season if:

- a) for any reason a club becomes insolvent and enters into liquidation during the season, as determined by the applicable national law (where a club becomes insolvent but enters administration during the season, the license should not be withdrawn as long as the purpose of the administration is to rescue the club and its business);
- b) any of the conditions for the issue of a license are no longer satisfied; or
- c) the club violates any of its obligations under the national regulations.

Article 9: The Club Licensing Decision-Making Bodies

1. The BFA shall establish two Club Licensing decision-making bodies which can be appointed or elected.

2. The Club Licensing decision-making bodies shall be independent from each other. They shall receive administrative support from the Club Licensing Administration. A member of the Club Licensing decision-making bodies must in all cases immediately abstain from participating in the licensing process if there is any doubt as to his/her independence towards the club or if there is a conflict of interest.

3. The BFA may nominate administrative staff of the BFA and the affiliated leagues as members of the first instance Club Licensing decision-making body, with the exception of the Club Licensing Manager.

4. The first instance Club Licensing decision-making body shall decide on whether a license shall be granted to a club on the basis of the documents provided and in accordance with the provisions of the Club Licensing Regulations at the submission deadline set by the BFA.

5. The appeal instance Club Licensing decision-making body shall decide on appeals submitted in writing and make a final and binding decision on whether a license shall be granted.

6. All decisions by the Club Licensing decision-making bodies must be made in writing and if a license is rejected, the motive for refusal must be reasoned.

7. The BFA may delegate the duties of the Club Licensing decision-making bodies to other existing bodies (e.g. committees and commissions).

Article 10: The Decision-Making Procedure

In the Club Licensing Regulations or in the Support Manual, the BFA shall define procedural rules with respect to decision-making. These shall, as a minimum, regulate the following standards:

- a) deadlines (e.g. submission deadlines);
- b) the principle of equal treatment;
- c) representation (e.g. legal representation);
- d) the right to be heard (e.g. convocation, hearing);
- e) official language(s);
- f) time limit to issue a request (e.g. calculation, compliance, interruption and extension thereof);
- g) time limit to appeal;
- h) effect of the appeal;
- i) type of evidence requested;
- j) burden of proof (e.g. club has burden of proof);
- k) decisions (in writing with reasoning, etc.);
- l) ground for complaint;
- m) content and form of pleading;
- n) deliberation and hearings;
- o) cost of procedure, administrative fee and deposit.

Article 11: Equal Treatment and Confidentiality

1. The BFA ensures equal treatment of all clubs applying for a license.
2. The BFA guarantees the clubs full confidentiality with regard to all information submitted during the licensing process. Anyone involved in the licensing process or appointed by the BFA must sign a confidentiality agreement before assuming their tasks.

Article 12: CONCACAF Spot Checks

1. CONCACAF reserves the right to conduct spot checks, at any time, to the BFA and/or the clubs, stadiums, training facilities and headquarters.
2. FIFA has the right to request CONCACAF to carry out a specific spot check.
3. The spot checks aim to ensure licenses have been correctly awarded by the BFA at the time of the final and binding decision.
4. Upon FIFA's request, CONCACAF shall send FIFA comprehensive reports about the results of the spot checks.
5. If CONCACAF determines that the BFA issued a license in breach of the national and CONCACAF Club Licensing Regulations, the Member Association shall be sanctioned by CONCACAF's Disciplinary Committee in accordance with the applicable disciplinary regulations. If deemed appropriate, the matter may also be referred to CONCACAF's Ethics Committee.

Article 13: FIFA Spot Checks

1. In the event that CONCACAF fails to implement a spot check procedure, does not carry out spot checks to the BFA or does not send to FIFA, at its request, comprehensive reports about the result of the spot checks, FIFA shall set CONCACAF a deadline to do so. If this deadline is not respected by CONCACAF, FIFA has the right to carry out the spot checks directly. The BFA is obliged to cooperate with FIFA for this purpose and provide FIFA with full access to the files.

2. If FIFA realizes that the BFA has issued a license in breach of the national and CONCACAF Club Licensing Regulations, FIFA shall inform CONCACAF so the latter can sanction the Member Association in accordance with Article 12. In the event that CONCACAF fails to take action or fails to impose sanctions, FIFA shall set CONCACAF a deadline to do so. If this deadline is not respected by CONCACAF, the FIFA Disciplinary Committee has the right to sanction the Member Association directly in accordance with the FIFA Disciplinary Code.

Article 14: Catalogue of Sanctions

Under the Club Licensing Regulations or the Support Manual, the BFA will establish a Catalogue of Sanctions for the Club Licensing system (e.g. for non-fulfillment of Domestic Criteria). The Catalogue of Sanctions may include, but is not limited to:

- a) a caution;
- b) a fine;
- c) the obligation to submit evidence or fulfill certain conditions by a certain deadline;
- d) the deduction of points;
- e) a prohibition on concluding new transfer agreements or players' contracts;
- f) the obligation to submit guarantees.

Article 15: Option for the BFA to Delegate the Club Licensing System to an Affiliated League

1. The BFA may delegate the Club Licensing system to an affiliated league, subject to the approval of CONCACAF's General Secretariat.

2. The BFA, as a member of CONCACAF, remains fully responsible for the proper implementation of the Club Licensing system, regardless of whether or not there is a delegation.

Section III: BFA Club Licensing Criteria

I. INFRASTRUCTURE CRITERIA

Implementation of the Infrastructure Criteria is aimed at ensuring that clubs have adequate stadiums and training facilities for all matches and training sessions, as well as informing clubs of the minimum requirements their stadiums must comply with in order to participate in CONCACAF club competitions.

Domestic Criteria

Article 16: Club Infrastructure Form

The club must accurately complete and submit the online Club Infrastructure Form.

Article 17: The Stadium (Domestic Competitions)

1. The club must have a stadium available to host home matches through one of the following options:
 - a) The club legally owns the stadium; or
 - b) The club rents a stadium or is permitted to use a stadium free of charge. The club must provide a copy of the written contract or agreement with the owner of the stadium. The contract or agreement specifying the club's use of the stadium for all home matches should be, at a minimum, for the duration of the upcoming season.
2. The field of play must comply with the FIFA Laws of the Game.

Article 18: The Training Fields

The club must have all its training fields registered with the BFA.

Article 19: The Headquarters

The club must have a registered address with the BFA which represents the headquarters of the club.

Regional Criteria:

Article 20: The Stadium (Regional Competitions)

The stadium registered by the club to host home matches must meet all the requirements of the CONCACAF club competition the club is aiming to participate in.

II. SPORTING CRITERIA

Implementation of the Sporting Criteria is aimed at identifying and increasing the number of footballers and coaches while improving the experience for youth players at club level.

Domestic Criteria:

Article 21: Club Youth Development Form

The club must accurately complete and submit the online Club Youth Development Form.

Article 22: Head Coach

The club must appoint a Head Coach to the first team squad.

Article 23: Online Registration of First Team

The club must be registered in the national online platform and must register all team players and coaches through the national online platform.

Regional Criteria:

Article 24: Assistant Coach

The club must appoint a qualified Assistant Coach to the first team squad.

Article 25: Youth Teams

The club must have, at a minimum, one youth team between the ages of 10 to 20 years of age.

Article 26: Youth Team Coach

The club must appoint a qualified coach to the youth team in Article 25.

Article 27: Medical Care

All first team players must undergo and pass an annual medical examination and have medical insurance.

Article 28: Online Registration of All Club Teams

All coaches and players, including youth players at or above the age of 10, must be registered with the BFA through MyCONCACAF.com or the national online platform.

III. ADMINISTRATION CRITERIA

Implementation of the Administration Criteria is aimed at encouraging clubs to appoint individuals to key administrative roles in order to increase the level of professionalism at the organizations.

Domestic Criteria:

Article 29: Club General Form

The club must accurately complete and submit the online Club General Form.

Article 30: General Manager

The club must appoint a General Manager who is responsible for running its daily operations.

Article 31: Media Officer

The club must appoint a Media Officer who is responsible for its media operations.

Article 32: Finance Officer

The club must appoint a Finance Officer who is responsible for its financial operations. This individual can be either a person working in the club's administration or an external partner mandated by the club through a written contract.

Article 33: Marketing Officer

The club must have appointed a Marketing Officer who is responsible for its marketing activities.

Regional Criteria:

Article 34: Medical Staff

The club must appoint to the first team at least one doctor and one physiotherapist certified by the national health authorities.

Article 35: Security Officer

The club must appoint a Security Officer who is responsible for its safety and security operations.

IV. FINANCIAL CRITERIA

Implementation of the Financial Criteria is aimed at assisting the BFA with understanding the financial capabilities of the clubs, while safeguarding the continuity of club competitions.

Domestic Criteria:

Article 36: Club Finance Form

The club must accurately complete and submit the online Club Finance Form.

Article 37: Budget

The club must prepare and submit a budget for the upcoming season.

Regional Criteria:

Article 38: Financial Statements

The club must prepare and submit its audited Financial Statements (Balance Sheet, Income Statement and Audit Reports) from 2015.

V. LEGAL CRITERIA

Implementation of the Legal Criteria is aimed at assisting the BFA with protecting the integrity of club competitions, while formalizing the legal structures of clubs.

Domestic Criteria:

Article 39: Legal Declaration

The club must submit a legally valid declaration confirming the following:

- a) It recognizes as legally binding the Statutes, rules and regulations and decisions of FIFA, CONCACAF, the respective Regional Union (CFU), the BFA and of the national league;
- b) It recognizes the exclusive jurisdiction of CAS (the Court of Arbitration for Sport in Lausanne) for any dispute of international dimension and in particular involving FIFA, CONCACAF and the BFA;
- c) It recognizes the prohibition on recourse to ordinary courts under the FIFA Statutes and the CONCACAF Statutes;
- d) At national level, it will play in competitions that are recognized and endorsed by the BFA (e.g. national championship, national cup);
- e) At regional level, it will participate in competitions recognized by CONCACAF and CFU. For the avoidance of doubt, this provision does not relate to friendly matches;
- f) It undertakes to abide by and observe the provisions and conditions of the national regulations;
- g) All submitted documents under the Club Licensing system are complete and accurate;
- h) It authorizes the competent Club Licensing authority to examine documents, seek information and in the event of any appeal procedure, seek information from any relevant public authority or private body in accordance with national law;
- i) It acknowledges that CONCACAF reserves the right to conduct spot checks at national level to review the assessment and decision-making processes;
- j) It acknowledges that FIFA reserves the right to conduct spot checks at national level to review the assessment and decision-making processes.

This declaration must be executed by an authorized signatory of the club.

Article 40: Ownership and Control of Clubs

The club must submit a legally valid declaration outlining the ownership structure (if applicable) and control mechanism of the club.

Article 41: Statutes and Extract of Register

The club must provide the following documents:

- a) A copy of the club's valid Statutes or the equivalent legal document;
- b) If applicable, an extract from a public register (e.g. trade register) containing information on the club (such as name, address, legal form, list of authorized signatories and type of required signature).

Regional Criteria:

Article 42: Anti-Racism Protocol

The club must inform (and instruct) its players, officials and fans of the CONCACAF Anti-Racism protocol for matches.

Article 43: Written Contracts with Professional Players

All professional players employed by the club must have a written employment contract with the club (see Articles 2 and 5 of the FIFA Regulations on the Status and Transfer of Players).

VI. SOCIAL RESPONSIBILITY CRITERIA

Implementation of the Social Responsibility Criteria will be aimed at increasing the involvement and impact of clubs in their local communities.

The current BFA Club Licensing Regulations do not contain any Social Responsibility Criteria for the clubs to fulfill.

The follow-up version(s) of the BFA Club Licensing Regulations will include the addition of various Social Responsibility Criteria.

Section IV: Final Provisions

Article 44: Authoritative Text

If there is any discrepancy in the interpretation of the English, Spanish or French versions of these regulations, the English version shall be authoritative.

Article 45: Language of Correspondence

All correspondence between CONCACAF and the BFA, the league and/or club must be in one of CONCACAF's official languages (English, Spanish or French). If any correspondence is not written in any of CONCACAF's official languages, then CONCACAF may request any party for a certified translation of documents at their expense.

Article 46: Adoption and Entry into Force

These regulations were adopted by the BFA Executive Committee on September 14, 2015 and come into force with immediate effect.

